



**The Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: P&P Brothers General Services
File: B-227031
Date: April 28, 1987

DIGEST

1. Protest of an award under section 8(a) of the Small Business Act after the protester was in line for award under a competitive solicitation is untimely where filed 5 months after the protester knew of the award.
2. Contention that current solicitation for janitorial services is improper based on the protester's failure to receive the predecessor contract presents no valid basis for protest.

DECISION

P&P Brothers General Services protests that it was improperly denied an award under invitation for bids (IFB) No. N62477-86-B-3024, issued on May 30, 1986 by the Naval Air Station, Patuxent River, Maryland for janitorial services from August 1, 1986 through July 31, 1987. The protester alleges that after it was in line for award, the Navy arranged with the Small Business Administration (SBA) for performance by another firm under section 8(a) of the Small Business Act, 15 U.S.C. § 637(a) (1982).^{1/} P&P also protests that IFB No. N62477-87-B-3107 for the performance of these services after July 31 should be canceled and an award made to P&P under the previous IFB.

We dismiss the protest.

The first basis of protest is clearly untimely. Our Bid Protest Regulations require that a protest of an allegedly improper award must be filed not later than 10 working days

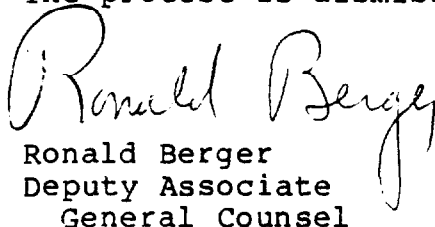
^{1/} That section authorizes SBA to enter into contracts with any government agency with procurement authority and to subcontract for performance with socially and economically disadvantaged small business concerns.

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after the basis for protest was known or should have been known, whichever is earlier. 4 C.F.R. § 21.2(a)(2) (1986). The protester's submission indicates that P&P was aware of the award to a section 8(a) contractor at least by November 20, 1986, when P&P wrote to a congressman complaining about the award. P&P's letter to the congressman was not a protest, however, and it did not toll our timeliness requirements. Martin Machinery Company--Reconsideration, B-211677.2, July 13, 1983, 83-2 CPD ¶ 88. P&P did not file a protest with this Office until April 14, 1987, almost 5 months later; therefore, the protest as it relates to the section 8(a) award is untimely.

There is no merit to the second basis for protest, which is that IFB -3107 should be canceled and award made to P&P because P&P was in line for award of the prior contract before the section 8(a) award was made. The Navy's actions under the prior procurement do not affect the propriety of the current solicitation. Each procurement is a separate transaction involving janitorial services for distinct time periods, and the awarding of the predecessor contract is not relevant to the propriety of the current procurement for purposes of a bid protest. See Ferrite Engineering Labs, B-222972, July 28, 1986, 86-2 CPD ¶ 122. Thus, the protest of the current IFB based on P&P's failure to receive the predecessor contract for a different time period than covered by the current IFB presents no valid basis for protest and will not be considered. See 4 C.F.R. § 21.3(f).

The protest is dismissed.


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